

IV. Process for Certification of Local Governments in Montana

A. The chief elected official of the local government must request certification from the SHPO.

The request for certification must include:

1. A written assurance by the chief elected official that the local government will fulfill all the Criteria for Certification outlined in Section IV. of this document and 36 CFR 61;
2. An official copy of the local historic preservation legislation that establishes the basis for and outlines the duties and responsibilities of the local historic preservation Commission, and if applicable, local design review;
3. A list and accompanying maps of locally designated and eligible historic districts and individual properties, historic and prehistoric, within the jurisdiction of the local government (unless already on file with SHPO);
4. Resume of the local Historic Preservation Officer designated by the local government;
5. Resumes of each of the members of the historic preservation Commission including, where appropriate, credentials or member expertise in fields related to historic preservation;
6. Signed conflict of interest statements of the historic preservation Commission.
7. Resumes for additional local historic preservation program staff if the local government is petitioning for additional responsibilities under Section IV. J. of these guidelines.

To assist the local government in the request for certification, SHPO recommends reviewing two documents that will be used in the certification process: the Certification Agreement and the Certification Application Checklist. Samples of these documents are printed in the Appendices.

B. The SHPO must respond to an adequately documented, written request for certification.

Within forty-five (45) days of receiving a request for certification, SHPO will respond to the local chief elected official. If the request for certification is complete, the SHPO will prepare the Certification Agreement listing the local government's responsibilities outlined in Section IV. and any additional responsibilities delegated by SHPO and mutually agreed upon with the local government. If the request is incomplete, the SHPO will send a letter with the outstanding items and encourage resubmission. A sample of a Certification Agreement is printed in the Appendices.

C. Certification approval.

Upon SHPO's receipt of the signed Certification Agreement, SHPO will complete the Certification Application Checklist. If all items on the checklist are complete, the Certification Agreement and Certification Application Checklist are forwarded to the National Park Service. Within fifteen (15) days of receipt, the National Park Service must send written confirmation or denial of certification to the local government and SHPO. A Certification Agreement may be amended with approval of the National Park Service.

The effective date of certification, and thus the date that the community becomes an official *CLG*, is the date on which the National Park Service approves the certification.

D. Certification denial.

If a certification request is denied by SHPO, it will send the local government a letter outlining the reasons for denial and allow the community to reapply. If the National Park Service denies certification, it will send a letter to the local government and SHPO outlining the reasons for denial and allow the community to reapply. Certification depends on complying with all the requirements of the *CLG* program.

E. Right of appeal.

A local government may appeal to the Secretary of the Interior any SHPO decisions to deny certification or to decertify an existing *CLG*.

F. Probationary status and de-certification.

Once a local government is certified, it remains certified without further action unless, after review, the SHPO finds the *CLG* deficient, unresponsive, or counter to the purposes and activities of the *CLG* program. See Section X.



Figure 10. Benton Avenue Cemetery, Helena.